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United Nations

Report of the Committee on the Rights of Persons with Disabilities

Ninth session
(15–19 April 2013)

Tenth session
(2–13 September 2013)

Eleventh session
(31 March–11 April 2014)

Twelfth session
(15 September–3 October 2014)

General Assembly

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Seventieth session
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I. Organizational and other matters

A. States parties to the Convention

1. As at 3 October 2014, the closing date of the twelfth session of the Committee on the Rights of Persons with Disabilities, there were 151 States parties to the Convention on the Rights of Persons with Disabilities and 84 States parties to its Optional Protocol. A list of States parties to the Convention and to its Optional Protocol is available on the web page of the United Nations Office of Legal Affairs.[1]

B. Meetings and sessions

2. The Committee held its ninth session from 15 to 19 April 2013; its tenth session from 2 to 13 September 2013; its eleventh session from 31 March to 11 April 2014; and its twelfth session from 15 September to 3 October 2014. The first session of the Committee's pre-sessional working group was held from 14 to 17 April 2014 and its second session was held from 7 to 10 October 2014. All the sessions and meetings of the Committee were held in Geneva.

C. Membership and attendance

3. The Committee is composed of 18 independent experts. A list of Committee members indicating the duration of their terms of office is available on the Committee's web page.[2]

D. Election of officers

4. On 15 April 2013, during the Committee's ninth session, the following members were elected for a term of two years:

Chair: María Soledad Cisternas Reyes (Chile)

Vice-Chair: Ronald McCallum (Australia)

Vice-Chair: Carlos Ríos Espinosa (Mexico)

Vice-Chair: Theresia Degener (Germany)

Rapporteur: Martin Babu (Uganda)

E. Drafting of general comments

5. During its eleventh session, the Committee adopted its general comments No. 1 (2014) on article 12: equal recognition before the law (CRPD/C/GC/1), and No. 2 (2014) on article 9: accessibility (CRPD/C/GC/2). At its ninth session, the Committee held a half day of general discussion on the situation of women and girls with disabilities and

[1] See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en.

[2] See www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx.

established a working group to draft a general comment on article 6 (women and girls with disabilities) (see CRPD/C/9/2, para. 13). At its twelfth session the Committee decided to prepare general comments on article 24 (the right to education) and article 19 (the right to live independently and be included in the community) (see CRPD/C/12/2, para. 7).

F. Statements of the Committee

6. The Committee adopted the following statements and declarations: a declaration on the situation of women and girls with disabilities (see CRPD/C/9/3); and statements on disability inclusion in the third World Conference on Disaster Risk Reduction and beyond (see CRPD/C/12/2, annex IV); on the right to liberty and security of persons with disabilities (see CRPD/C/12/2, annex IV); and on the inclusion of the rights of persons with disabilities in the post-2015 development agenda (available from the Committee's web page).

G. Accessibility of information

7. Captioning and International Sign interpretation were available during the Committee's public meetings. Captioning was also available in the Committee's private meetings. Hearing loops and documentation in Braille were available to members of the Committee upon request. The Committee interacted with the Human Rights Council Task Force on Secretariat services, accessibility and use of information technology, and with the Secretary General's Special Envoy on Disability and Accessibility to promote accessibility across the United Nations.

H. Adoption of the report

8. At its 173rd meeting, the Committee adopted its third biennial report to the General Assembly and the Economic and Social Council, covering its ninth, tenth, eleventh and twelfth sessions.

II. Methods of work

9. In accordance with General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, the Committee decided to offer the simplified reporting procedure for periodic reports to States parties, to draft reporting guidelines for the simplified reporting procedure, to appoint a focal point on reprisals, and to endorse the guidelines on the structure of the dialogue with States parties (see A/69/285, annex I) and the framework for the concluding observations proposed by the Chairs of the human rights treaty bodies at their twenty-sixth meeting (ibid., Annex II).

10. The Committee adopted guidelines on the procedure for follow-up to concluding observations and appointed rapporteurs on follow-up to its concluding observations and its Views under the Optional Protocol. It also decided to accept the interventions of third parties in individual communications under the Optional Protocol.

III. Consideration of reports submitted in accordance with article 35 of the Convention

11. The Committee adopted concluding observations on the initial reports submitted by the following States parties: Australia, Austria, Azerbaijan, Belgium, Costa Rica, Denmark, Ecuador, El Salvador, Mexico, New Zealand, Paraguay, Republic of Korea, and Sweden.[3] An overview of the Committee's opinions and recommendations is included in chapter V of the present report. The Republic of Korea provided comments on the Committee's concluding observations.[4]

IV. Activities carried out under the Optional Protocol to the Convention on the Rights of Persons with Disabilities

12. The Committee registered 11 communications during the reporting period, adopted Views with respect to five communications[5] and adopted a decision on inadmissibility with respect to one communication.[6] An overview of the Committee's opinions and Views are included in chapter V of the present report.

13. In the follow-up procedure for the implementation of the Committee's Views in communication No. 3/2011, *H.M. v. Sweden*, the Committee considered that the follow-up replies provided by the State party did not indicate that the State party had implemented its Views/recommendations and decided to discontinue the related follow-up procedure with a C1 assessment (reply received but actions taken do not implement the Views/recommendations).

14. The Committee conducted activities under article 6 of the Optional Protocol (inquiry procedure) with respect to one State party to the Convention.

V. Overview of the Committee's opinions, recommendations and views[7]

General principles and obligations (arts. 1–4)

15. The Committee expressed concern about the use of derogatory terminology with regard to persons with disabilities;[8] the persistence of definitions of disability based on the

[3] CRPD/C/AUS/CO/1; CRPD/C/AUT/CO/1; CRPD/C/AZE/CO/1; CRPD/C/BEL/CO/1; CRPD/C/CRI/CO/1; CRPD/C/DNK/CO/1; CRPD/C/ECU/CO/1; CRPD/C/SLV/CO/1; CRPD/C/MEX/CO/1; CRPD/C/NZL/CO/1; CRPD/C/PRY/CO/1; CRPD/C/KOR/CO/1; CRPD/C/SWE/CO/1.

[4] CRPD/C/KOR/CO/1/Add.1.

[5] Communications No. 1/2010 *Nyusti and Takács v. Hungary* (CRPD/C/9/D/1/2010), Views adopted on 16 April 2013; No. 4/2011, *Bujdosó et al. v. Hungary* (CRPD/C/10/D/4/2011), Views adopted on 9 September 2013; No. 2/2010 *Gröninger v. Germany* (CRPD/C/D/2/2010); No. 8/2012 *X. v. Argentina* (CRPD/C/11/D/8/2012), Views adopted on 4 April 2014; and No. 5/2011 *Jungelin v. Sweden*, Views adopted on 2 October 2014, (CRPD/C/12/D/5/2011).

[6] Communication No. 10/2013 *S.C. v. Brazil* (CRPD/C/12/D/10/2013).

[7] Where not directly mentioned, the opinions referred to are in the Committee's concluding observations.

[8] CRPD/C/PRY/CO/1, para. 7; CRPD/C/SLV/CO/1, para. 11; CRPD/C/CRI/CO/1, para. 5; CRPD/C/MEX/CO/1, para. 5.

medical approach;[9] the prevalence of a medical approach in the disability determination and rating system;[10] the lack of or inappropriate mechanisms for consulting organizations of persons with disabilities;[11] the lack of inclusion of a human-rights disability perspective in laws[12] or national human rights plans;[13] the failure to incorporate the Convention into domestic legislation[14] or to harmonize domestic legislation with the Convention;[15] insufficient resources allocated to disabled persons' organizations;[16] shortcomings of the translation of the Convention into national languages;[17] the uneven implementation of the Convention in federal states;[18] and the maintenance of reservations[19] or interpretative declarations.

16. The Committee has recommended that State parties: review their legislation to bring it into line with the human rights-based approach to disability;[20] review the disability determination and rating system to ensure that the assessment reflects the characteristics, circumstances and needs of persons with disabilities;[21] repeal any discriminatory, pejorative and/or derogatory terminology to refer to persons with disabilities;[22] ensure that the Convention is incorporated into national law;[23] review interpretative declarations with a view to withdrawing them; establish permanent mechanisms/frameworks at the national and local level for participation and consultation with organizations of persons with disabilities;[24] and increase the resources available for independent organizations of persons with disabilities, including organizations representing children with disabilities.

17. In its Views under the Optional Protocol, the Committee considered that the difference between illness and disability was a difference of degree and not a difference in kind. A health condition which is initially considered an illness can become an impairment because of its duration or its chronic development.[25]

Equality and non-discrimination (art. 5)

18. The Committee expressed concern about: the lack of comprehensive anti-discrimination legislation protecting all persons with disabilities[26] against discrimination on the basis of disability; the lack of an express prohibition of disability-based

[9] CRPD/C/AUT/CO/1, para. 8.
[10] CRPD/C/KOR/CO/1, para. 8.
[11] CRPD/C/PRY/CO/1, para. 9; CRPD/C/AUS/CO/1, para. 10; CRPD/C/CRI/CO/1, para. 9; CRPD/C/BEL/CO/1, para. 9; CRPD/C/ECU/CO/1, para. 12.
[12] CRPD/C/SLV/CO/1, para. 9; CRPD/C/AZE/CO/1, para. 8; CRPD/C/KOR/CO/1, para. 6; CRPD/C/ECU/CO/1, para. 8.
[13] CRPD/C/PRY/CO/1, para. 11.
[14] CRPD/C/SWE/CO/1, para. 7; CRPD/C/DNK/CO/1, para. 12.
[15] CRPD/C/AUS/CO/1, para. 8; CRPD/C/SLV/CO/1, para. 7; CRPD/C/AZE/CO/1, para. 8; CRPD/C/CRI/CO/1, para. 7; CRPD/C/BEL/CO/1, para. 5; CRPD/C/ECU/CO/1, para. 10.
[16] CRPD/C/AUS/CO/1, para. 12.
[17] CRPD/C/AUT/CO/1, para. 6.
[18] Ibid., para. 10.
[19] CRPD/C/SLV/CO/1, para. 5.
[20] CRPD/C/KOR/CO/1, para. 7; CRPD/C/BEL/CO/1, paras. 6 and 8; CRPD/C/AZE/CO/1, para. 9; CRPD/C/CRI/CO/1, para. 8; CRPD/C/ECU/CO/1, para. 9.
[21] CRPD/C/KOR/CO/1, para. 9.
[22] CRPD/C/CRI/CO/1, para. 6; CRPD/C/MEX/CO/1, para. 9.
[23] CRPD/C/SWE/CO/1, para. 8.
[24] CRPD/C/DNK/CO/1, para. 11; CRPD/C/BEL/CO/1, paras. 9 and 10.
[25] See communication No. 10/2013, *S.C. v. Brazil* (see footnote 6).
[26] CRPD/C/AUS/CO/1, para. 14; CRPD/C/DNK/CO/1, para. 14.

discrimination;[27] the lack of provisions in legislation which define the denial of reasonable accommodation as a form of discrimination[28] and the fact that the definition is not applicable to all areas of the legislation;[29] inappropriate proceedings and insufficient remedies to deal with cases of discrimination,[30] including cases of multiple discrimination, and intersectional discrimination;[31] the lack of affirmative action measures to promote the de facto equality of persons with disabilities;[32] and the persistence of discrimination by association.[33] It also expressed concern about legislation allowing abortion up to birth of the foetus with disabilities.[34]

19. The Committee recommended that State parties adopt comprehensive legislation prohibiting all forms of discrimination on grounds of disability;[35] ensure that protection against discrimination covers all persons with disabilities;[36] provide effective remedies in cases of discrimination;[37] address multiple forms of discrimination[38] and situations of intersectional discrimination;[39] incorporate the definition of reasonable accommodation in national legislation;[40] ensure that it is applicable in all areas of the legislation;[41] ensure that the denial or failure to provide reasonable accommodation constitutes a form of disability-based discrimination;[42] and adopt specific affirmative measures towards achieving equality for persons with disabilities.[43] It also recommended abolishing any distinction, allowed by law, in the period within which a pregnancy can be terminated based solely on disability.[44]

Women with disabilities (art. 6)

20. The Committee expressed concern about the persistence of violence against women with disabilities, including sexual violence[45] and abuse,[46] forced sterilization[47] and sexual and economic exploitation;[48] the prevalence of multiple and intersectional discrimination

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[27] CRPD/C/AZE/CO/1, para. 12; CRPD/C/CRI/CO/1, para. 11; CRPD/C/MEX/CO/1, para. 9.
[28] CRPD/C/PRY/CO/1, para. 13; CRPD/C/SLV/CO/1, para. 13; CRPD/C/MEX/CO/1, para. 9; CRPD/C/ECU/CO/1, para. 14.
[29] CRPD/C/SWE/CO/1, para. 9.
[30] CRPD/C/SLV/CO/1, para. 13; CRPD/C/KOR/CO/1, para. 11; CRPD/C/ECU/CO/1, para. 14; CRPD/C/DNK/CO/1, paras. 14 and 16.
[31] CRPD/C/AUT/CO/1, para. 12; CRPD/C/SWE/CO/1, para. 9; CRPD/C/CRI/CO/1, para. 11.
[32] CRPD/C/SLV/CO/1, para. 14.
[33] CRPD/C/BEL/CO/1, para. 11.
[34] CRPD/C/AUT/CO/1, para. 14.
[35] CRPD/C/PRY/CO/1, para. 14; CRPD/C/SLV/CO/1, para. 14; CRPD/C/CRI/CO/1, para. 12; CRPD/C/MEX/CO/1, para. 10; CRPD/C/DNK/CO/1, para. 15.
[36] CRPD/C/AUS/CO/1, para. 15.
[37] CRPD/C/ECU/CO/1, para. 15.
[38] CRPD/C/CRI/CO/1, para. 12.
[39] CRPD/C/AUT/CO/1, para. 13; CRPD/C/SWE/CO/1, para. 12; CRPD/C/AZE/CO/1, para. 13.
[40] CRPD/C/PRY/CO/1, para. 14; CRPD/C/SLV/CO/1, para. 14; CRPD/C/SWE/CO/1, para. 10; CRPD/C/AZE/CO/1, para. 13; CRPD/C/CRI/CO/1, para. 12; CRPD/C/NZL/CO/1, para. 12; CRPD/C/ECU/CO/1, para. 15.
[41] CRPD/C/SWE/CO/1, para. 10.
[42] CRPD/C/PRY/CO/1, para. 14; CRPD/C/SLV/CO/1, para. 14; CRPD/C/SWE/CO/1, para. 10; CRPD/C/AZE/CO/1, para. 13; CRPD/C/CRI/CO/1, para. 12; CRPD/C/MEX/CO/1, para. 10.
[43] CRPD/C/SLV/CO/1, para. 16; CRPD/C/BEL/CO/1, para. 12.
[44] CRPD/C/AUT/CO/1, para. 15.
[45] Ibid., para. 16.
[46] CRPD/C/AUS/CO/1, para. 16.
[47] CRPD/C/PRY/CO/1, para. 17.
[48] Ibid., para. 16.

against women with disabilities, on account of their gender, disability and other factors,[49] which are not sufficiently addressed in legislation[50] and policies;[51] the lack of, or insufficient, participation of women with disabilities in decision-making processes[52] in public and political life;[53] the lack of inclusion of a gender perspective in disability policies[54] and of a disability rights perspective in gender policies;[55] and the lack of, or insufficient, specific measures to promote the education and employment of women with disabilities.[56]

21. The Committee recommended that State parties adopt measures to guarantee equality;[57] implement legislation and programmes, including affirmative action programmes, to tackle discrimination against women with disabilities;[58] recognize and address the multiple forms of discrimination against women and girls with disabilities;[59] take effective measures to address violence against women with disabilities, and offer services which are targeted and accessible to women with disabilities;[60] ensure that the perspective of gender and disability is enshrined in its laws and policies and its sectoral services, and in their implementation and evaluation;[61] mainstream a gender perspective in its disability legislation and policy[62] as well as mainstream a disability rights perspective into gender legislation and policy;[63] ensure the participation of women with disabilities in public and political affairs;[64] and strengthen projects to assist women with disabilities in obtaining education and employment.[65]

Children with disabilities (art. 7)

22. The Committee has expressed concern about the lack of national programmes for children with disabilities and that existing ones are limited solely to the prevention and early detection of disability; the lack of involvement of children with disabilities in decisions that affect their lives;[66] inadequate resources for implementation of public policies on inclusion of children with disabilities; the greater vulnerability of children with disabilities living in poverty to abandonment or placement in institutional care;[67] and the lack of information on children with disabilities who are at risk of ill-treatment and abuse, including indigenous children with disabilities.[68]

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[49] CRPD/C/AUT/CO/1, para. 17; CRPD/C/ECU/CO/1, para. 16.
[50] CRPD/C/SLV/CO/1, para. 17.
[51] CRPD/C/MEX/CO/1, para. 13.
[52] CRPD/C/SLV/CO/1, para. 17.
[53] CRPD/C/CRI/CO/1, para. 13; CRPD/C/ECU/CO/1, para. 16.
[54] CRPD/C/SWE/CO/1, para. 13; CRPD/C/KOR/CO/1, para. 13.
[55] CRPD/C/AZE/CO/1, para. 16; CRPD/C/DNK/CO/1, para. 18.
[56] CRPD/C/DNK/CO/1, para. 18; CRPD/C/KOR/CO/1, para. 13.
[57] CRPD/C/AZE/CO/1, para. 17.
[58] CRPD/C/MEX/CO/1, para. 14; CRPD/C/ECU/CO/1, para. 17.
[59] CRPD/C/SLV/CO/1, para. 18.
[60] CRPD/C/AUT/CO/1, para. 18.
[61] CRPD/C/SWE/CO/1, para. 14; CRPD/C/BEL/CO/1, para. 14; CRPD/C/DNK/CO/1, para. 19.
[62] CRPD/C/PRY/CO/1, para. 18; CRPD/C/KOR/CO/1, para. 13.
[63] CRPD/C/AZE/CO/1, para. 17; CRPD/C/CRI/CO/1, para. 14.
[64] CRPD/C/CRI/CO/1, para. 14.
[65] CRPD/C/NZL/CO/1, para. 16.
[66] CRPD/C/PRY/CO/1, para. 19.
[67] CRPD/C/AUT/CO/1, para. 19.
[68] CRPD/C/SLV/CO/1, para. 18.

23. The Committee recommended that States parties take urgent measures to protect children with disabilities from abuse and abandonment, and to prevent institutionalization, establish policies and programmes that will ensure the right of children with disabilities to express their views on all matters concerning them;[69] and develop research and collect data and statistics on violence against children with disabilities.

Awareness-raising (art. 8)

24. The Committee has expressed concern about awareness-raising campaigns on persons with disabilities using the medical model;[70] States' limited understanding of the human rights model of the Convention;[71] that organizations of persons with disabilities do not benefit from training programmes;[72] and the lack of promotion of the contents of the Convention among public officials and private actors, and in particular on concepts such as reasonable accommodation and disability-based discrimination.[73]

25. The Committee recommended that States parties in consultation with disabled persons' organizations, take specific measures, including awareness-raising campaigns, targeted to public officials and private actors aimed at eliminating negative attitudes and prejudices, encourage extensive awareness-raising campaigns to reinforce a positive image in using various formats, media and modes of communication such as Braille and sign language and other accessible formats, and encourage a culture of respect for those rights;[74] promote an image of persons with disabilities as dignified, independent and capable individuals who are holders of all the human rights, with the aim of removing sociocultural discrimination barriers in public life;[75] that professionals of the media reflect diversity in their code of ethical conduct, and promote disability education as a cross-cutting theme in university courses.[76]

Accessibility (art. 9)

26. The Committee has expressed concern about the absence of standards for accessibility to the physical environment, to transportation, to information and communications, and to other facilities and services open to or provided to the public, both in urban and rural areas; the few measures promoting accessibility for persons with hearing, visual, intellectual or psychosocial disabilities; the gaps in implementing accessibility standards, and the narrow definition of accessibility; the lack of mechanisms to monitor the adoption of accessibility standards[77] and compliance with accessibility standards, and the lack of technical aids provided to low-income persons with disabilities. It also expressed concern at the lack of efforts to ensure access in rural areas and community services.[78]

27. The Committee recommended that States parties implement accessibility standards by allocating financial resources, setting time frames, and establishing oversight

[69] CRPD/C/SWE/CO/1, paras. 16 and 19.
[70] CRPD/C/PRY/CO/1, para. 21.
[71] CRPD/C/AUT/CO/1, para. 21.
[72] CRPD/C/SLV/CO/1, para. 21.
[73] CRPD/C/SWE/CO/1, para. 23.
[74] CRPD/C/PRY/CO/1, para. 21; CRPD/C/AUT/CO/1, para. 21; CRPD/C/CRI/CO/1, para. 18.
[75] CRPD/C/SWE/CO/1, para. 22.
[76] CRPD/C/SLV/CO/1, para. 22.
[77] CRPD/C/PRY/CO/1, para. 23; CRPD/C/DNK/CO/1, paras. 26 and 28.
[78] CRPD/C/SLV/CO/1, para. 23.

mechanisms and means of penalizing non-compliance, in consultation with disabled persons' organizations, which should be authorized to assist in monitoring implementation;[79] at the national level, improve the accessibility of public transport covering infrastructure and conveyances, signage and map design in accessible and easy-to-understand formats;[80] develop a comprehensive action plan with an overarching inclusive approach to accessibility; apply accessibility standards to all public facilities, irrespective of their size or capacity, and focus on rural areas.[81] The Committee further recommended amending the relevant laws to ensure that all persons with disabilities can gain access to information via Internet websites on an equal basis with others.[82]

28. In its general comment No. 2 (2014) on article 9: on accessibility, the Committee called on States parties to address accessibility in all its complexity, encompassing the physical environment, transportation, information and communication, and services. Persons with disabilities should have equal access to all goods, products and services that are open or provided to the public in a manner that ensures their effective and equal access and respects their dignity. The denial of access should be considered as constituting a discriminatory act, regardless of whether the perpetrator is a public or private entity. Accessibility should be provided to all persons with disabilities, regardless of the type of impairment, and should especially take into account the gender and age perspectives for persons with disabilities. Article 9 of the Convention clearly enshrines accessibility as a precondition for persons with disabilities to live independently, participate fully and equally in society, and have unrestricted enjoyment of all their human rights and fundamental freedoms on an equal basis with others. The Committee also insisted that the strict application of universal design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities.

29. In its Views under the Optional Protocol, the Committee considered that the failure of a State party to eliminate discrimination on the ground of disability by a private credit institution and to ensure that persons with visual impairments have unimpeded access to services provided by automated teller machines on an equal basis with other clients violated article 9, (2) (b) of the Convention.[83] According to the Committee, States Parties should take appropriate measures to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public, and ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities.[84]

Situation of risks and humanitarian emergencies (art. 11)

30. The Committee expressed its concern at: the absence of specific strategies to ensure the full inclusion of persons with disabilities in emergency and risk situations plans and policies,[85] the lack of information on the State party's preparedness to provide persons with disabilities with the necessary support in the event of a disaster,[86] the lack of availability of

[79] CRPD/C/PRY/CO/1, paras. 24 and 26; CRPD/C/AUS/CO/1, para. 21.
[80] CRPD/C/PRY/CO/1, paras. 24 and 26.
[81] CRPD/C/AUT/CO/1, para. 24; CRPD/C/SLV/CO/1, para. 24; CRPD/C/AZE/CO/1, para. 23.
[82] CRPD/C/KOR/CO/1, para. 18.
[83] See communication No. 1/2010 *Nyusti and Tacáks v. Hungary* (see footnote 5).
[84] Ibid.
[85] CRPD/C/PRY/CO/1, para. 27; CRPD/C/AUS/CO/1, para. 22.
[86] CRPD/C/AUT/CO/1, para. 24.

emergency plans in accessible formats,[87] and the a lack of detailed information regarding the training provided to staff involved in the evacuation of persons with disabilities during emergencies.

31. The Committee recommended that State parties, inter alia, adopt a national risk-management policy as a matter of urgency, ensuring the involvement and consultation of disabled persons' organizations, and taking due account of their input and recommendations;[88] ensure their preparedness to provide persons with disabilities with the necessary support in the event of a disaster, and step up their efforts to implement the twin-track approach to fully achieve disability inclusion in disaster risk reduction strategies.[89]

Equal recognition before the law (art. 12)

32. According to general comment No. 1, article 12 reaffirms the right of persons with disabilities to be recognized as persons before the law and to enjoy legal capacity on an equal basis with others. Legal capacity and mental capacity are distinct concepts; perceived or actual deficits in mental capacity must not be used as justification for denying legal capacity. The removal of legal capacity as a result of considering a person's decision-making skills to be deficient amounts to discriminatory denial of legal capacity.

33. Article 12 requires States parties to refrain from denying persons with disabilities their legal capacity. Moreover, it requires States parties to provide support to persons with disabilities in the exercise of their legal capacity, and in doing so, to uphold the rights of persons with disabilities, autonomy, will and preferences. "Support" encompasses a broad range of measures, and includes, inter alia, peer support, measures relating to universal design and accessibility, the development and recognition of non-conventional methods of communications, and advance planning which allow persons with disabilities to state their will and preferences which should be followed at a time when they may not be in a position to communicate their wishes and preferences to others. Safeguards must be present in a system of support so as to ensure that the person's rights, will and preferences are respected. When, after significant efforts have been made, it is not practicable to determine the will and preferences of an individual, the "best interpretation of will and preferences" should replace decisions based on the "best interest" of persons with disabilities under which the will and preferences of persons with disabilities are substituted by the decision making of a guardian.

34. States parties must repeal regimes of substituted decision-making and replace them by supported decision-making regimes which give primacy to a person's autonomy, will and preferences.

35. The practice of denial of the legal capacity of persons with disabilities and their detention in institutions against their will, either without their consent or with the consent of a substitute decision-maker constitutes arbitrary deprivation of liberty and violates articles 12 (equal recognition before the law) and 14 of the Convention, on the right to liberty and security.

[87] CRPD/C/SLV/CO/1, para. 25.
[88] CRPD/C/PRY/CO/1, para. 28; CRPD/C/AUS/CO/1, para. 23.
[89] CRPD/C/AUT/CO/1, para. 25.

Access to justice (art. 13)

36. The Committee has expressed concern about the limited access to justice for persons with disabilities, particularly for women with disabilities;[90] persons with psychosocial and intellectual disabilities, children with disabilities and indigenous persons with disabilities;[91] the insufficient provision of reasonable accommodation in judicial procedures, including the insufficient provision of sign language interpretation, the lack or insufficient training to judges and other judicial actors on the Convention, and the lack of due process guarantees in judicial proceedings involving persons with psycho-social disabilities.

37. The Committee recommended that States parties ensure that judicial proceedings are accessible to persons with disabilities, including by further making provisions for physical accessibility, accessibility to transport and communication, the use of sign language interpretation, and the use of augmentative and alternative modes of communication;[92] provide reasonable accommodation, including with gender and age focus;[93] ensure that due process guarantees, including access to legal representation, are respected in proceedings which involve persons with disabilities, and in particular, persons with psychosocial disabilities[94] and design and implement training programmes about the Convention for all those involved in the legal system.[95]

Liberty and security of the person (art. 14)

38. The Committee expressed concern about the persistence of the deprivation of liberty of persons with disabilities on disability grounds,[96] including by virtue of legal provisions in mental health laws;[97] the institutionalization of persons with disabilities in psychiatric hospitals against their free and informed consent,[98] and particularly of persons with psychosocial disabilities deemed to be dangerous for themselves or others[99] that persons with disabilities who are deemed unfit to stand trial in criminal proceedings, on the basis of their disability, are deprived of their due process of law guarantees and safeguards;[100] the lack of reasonable accommodation for persons with disabilities held in prisons and detention centres;[101] and the poor living conditions, including abandonment and abuse;[102] of persons with disabilities in those centres.[103]

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[90] CRPD/C/SLV/CO/1, para. 29; CRPD/C/MEX/CO/1, para. 25.
[91] CRPD/C/MEX/CO/1, para. 25.
[92] CRPD/C/CRI/CO/1, para. 26.
[93] CRPD/C/SLV/CO/1, para. 30 (a).
[94] CRPD/C/PRY/CO/1, para. 32; CRPD/C/AUS/CO/1, para. 29.
[95] CRPD/C/KOR/CO/1, para. 24.
[96] CRPD/C/PRY/CO/1, para. 35; CRPD/C/SLV/CO/1, para. 31; CRPD/C/AZE/CO/1, para. 28; CRPD/C/CRI/CO/1, para. 29; CRPD/C/MEX/CO/1, para. 29; CRPD/C/ECU/CO/1, para. 28.
[97] CRPD/C/KOR/CO/1, para. 25; CRPD/C/BEL/CO/1, para. 25; CRPD/C/DNK/CO/1, para. 36.
[98] CRPD/C/PRY/CO/1, para. 35; CRPD/C/SWE/CO/1, para. 35; CRPD/C/AZE/CO/1, para. 28; CRPD/C/MEX/CO/1, para. 29; CRPD/C/KOR/CO/1, para. 25.
[99] CRPD/C/AUT/CO/1, para. 29; CRPD/C/SWE/CO/1, para. 35.
[100] CRPD/C/AUS/CO/1, para. 31; CRPD/C/NZE/CO/1, para. 33; CRPD/C/MEX/CO/1, para. 27; CRPD/C/KOR/CO/1, para. 27; CRPD/C/BEL/CO/1, para. 27; CRPD/C/ECU/CO/1, para. 28; CRPD/C/DNK/CO/1, para. 34.
[101] CRPD/C/SLV/CO/1, para. 31.
[102] CRPD/C/CRI/CO/1, para. 29.
[103] CRPD/C/AZE/CO/1, para. 30.

39. The Committee recommended that States parties repeal their laws that allow for the deprivation of liberty on the basis of disability,[104] including those which portray persons with disabilities as potentially dangerous to themselves or others or as being in need of care or treatment;[105] repeal all legislation that authorizes medical intervention without the free and informed consent of the person, the committal of individuals to detention in mental health facilities, or the imposition of compulsory treatment, either in institutions or in the community;[106] develop de-institutionalization strategies based on the human rights model of disability;[107] ensure that health-care services, including mental health services are provided solely on the basis of the prior free and informed consent of the person concerned;[108] provide reasonable accommodation in prisons and detention facilities;[109] and review the criminal justice system and ensure that persons with disabilities who face criminal charges enjoy all safeguards and guarantees applicable to non-disabled persons.[110]

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

40. The Committee expressed concern about the use of physical, mechanical and chemical restraints and seclusion against persons with disabilities who have been institutionalized, and particularly, against persons with psychosocial disabilities institutionalized in psychiatric hospitals, mental health facilities and prisons; the use of non-consensual practices in psychiatric hospitals and institutions such as the use of net beds,[111] electroconvulsive therapy,[112] straps or belts,[113] solitary confinement[114] and excessive drug treatment[115] and the fact that some of these practices are used more on women and children with disabilities; the lack of oversight mechanisms for the conditions of persons with disabilities committed to psychiatric institutions; as well as regarding draft laws authorizing the guardians of persons declared legally incapable of making decisions concerning their participation in scientific experimentation and research without their free and informed consent.

41. The Committee urged States parties to abolish the above-mentioned practices, to establish or strengthen the capacity of independent national monitoring mechanisms to monitor places where persons with disabilities are deprived of their liberty; to train medical personnel on the prevention of torture and ill-treatment, and to ensure that medical

[104] CRPD/C/AUS/CO/1, para. 32; CRPD/C/SLV/CO/1, para. 32; CRPD/C/SWE/CO/1, para. 36; CRPD/C/AZE/CO/1, para. 29; CRPD/C/NZE/CO/1, para. 30; CRPD/C/MEX/CO/1, para. 30; CRPD/C/KOR/CO/1, para. 26; CRPD/C/BEL/CO/1, para. 26; CRPD/C/DNK/CO/1, para. 37.

[105] CRPD/C/SLV/CO/1, para. 32.

[106] CRPD/C/AUS/CO/1, para. 34; CRPD/C/AUT/CO/1, para. 30; CRPD/C/MEX/CO/1, para. 30.

[107] CRPD/C/AUS/CO/1, para. 30; CRPD/C/AZE/CO/1, para. 29; CRPD/C/CRI/CO/1, para. 30; CRPD/C/ECU/CO/1, para. 29.

[108] CRPD/C/SLV/CO/1, para. 32; CRPD/C/AZE/CO/1, para. 31; CRPD/C/NZE/CO/1, para. 30; CRPD/C/MEX/CO/1, para. 30; CRPD/C/KOR/CO/1, para. 26; CRPD/C/BEL/CO/1, para. 29; CRPD/C/ECU/CO/1, para. 29.

[109] CRPD/C/SLV/CO/1, para. 32; CRPD/C/NZE/CO/1, para. 34; CRPD/C/BEL/CO/1, para. 29.

[110] CRPD/C/NZE/CO/1, para. 34; CRPD/C/KOR/CO/1, para. 28; CRPD/C/BEL/CO/1, para. 28; CRPD/C/ECU/CO/1, para. 29; CRPD/C/DNK/CO/1, para. 35.

[111] CRPD/C/AUT/CO/1, para. 32.

[112] CRPD/C/SWE/CO/1, para. 37; CRPD/C/DNK/CO/1, para. 38.

[113] CRPD/C/SWE/CO/1, para. 39; CRPD/C/DNK/CO/1, para. 38.

[114] CRPD/C/KOR/CO/1, para. 30.

[115] Ibid.

treatment, including mental health services are provided on the basis of the prior, free and informed consent of persons with disabilities.

Freedom from exploitation, violence and abuse (art. 16)

42. The Committee expressed concern about: the prevalence of cases of violence, exploitation and abuse against persons with disabilities, in particular, women and children with disabilities,[116] particularly in institutions; persons with disabilities who were victims of domestic violence,[117] or forced to work[118] or to beg,[119] women with disabilities who were sexually abused;[120] cases of violence, exploitation and abuse remaining underreported;[121] the lack of protocols for supporting victims of violence and abuse,[122] including in judicial proceedings[123] and in support and rehabilitation centres;[124] the lack of an express ban on corporal punishment of children with disabilities;[125] the lack of sufficient accessible shelters for victims;[126] and the failure to punish perpetrators and to provide compensation and rehabilitation to victims.[127]

43. The Committee called on States parties to adopt strategies and programmes with a gender perspective[128] and in consultation with disabled persons' organizations to prevent[129] and address and punish violence, exploitation and abuse against persons with disabilities;[130] to protect victims[131] both in institutions and in domestic situations;[132] to investigate[133] and punish perpetrators[134] and to provide reparation and rehabilitation to victims;[135] to ban corporal punishment of children with disabilities;[136] to train personnel involved in supporting victims, including the police and the judiciary,[137] to collect disaggregated data including by gender and age;[138] and to establish the monitoring mechanism provided for in article 16 (3).[139]

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116 CRPD/C/PRY/CO/1, para. 39.
117 CRPD/C/DNK/CO/1, para. 40.
118 CRPD/C/KOR/CO/1, para. 31.
119 CRPD/C/PRY/CO/1, para. 41; CRPD/C/SLV/CO/1, para. 35.
120 CRPD/C/ECU/CO/1, para. 30.
121 CRPD/C/PRY/CO/1, para. 39.
122 CRPD/C/CRI/CO/1, para. 35; CRPD/C/BEL/CO/1, para. 30.
123 CRPD/C/SLV/CO/1, para. 35.
124 CRPD/C/MEX/CO/1, para. 35; CRPD/C/BEL/CO/1, para. 30.
125 CRPD/C/SLV/CO/1, para. 35.
126 CRPD/C/SWE/CO/1, para. 41; CRPD/C/KOR/CO/1, para. 31; CRPD/C/DNK/CO/1, para. 40.
127 CRPD/C/KOR/CO/1, para. 31; CRPD/C/ECU/CO/1, para. 30.
128 CRPD/C/SLV/CO/1, para. 36.
129 Ibid.
130 CRPD/C/PRY/CO/1, para. 40; CRPD/C/NZL/CO/1, para. 36; CRPD/C/MEX/CO/1, para. 36; CRPD/C/BEL/CO/1, para. 31.
131 CRPD/C/PRY/CO/1, para. 42; CRPD/C/AUT/CO/1, para. 35; CRPD/C/CRI/CO/1, para. 36; CRPD/C/KOR/CO/1, para. 32; CRPD/C/DNK/CO/1, para. 41.
132 CRPD/C/NZL/CO/1, para. 36.
133 CRPD/C/AUS/CO/1, para. 38; CRPD/C/SLV/CO/1, para. 36; CRPD/C/SWE/CO/1, para. 41; CRPD/C/MEX/CO/1, para. 36; CRPD/C/KOR/CO/1, para. 32; CRPD/C/DNK/CO/1, para. 41.
134 CRPD/C/PRY/CO/1, para. 44; CRPD/C/SLV/CO/1, para. 36; CRPD/C/KOR/CO/1, para. 32.
135 CRPD/C/PRY/CO/1, para. 44; CRPD/C/CRI/CO/1, para. 36; CRPD/C/KOR/CO/1, para. 32.
136 CRPD/C/SLV/CO/1, para. 36.
137 CRPD/C/SWE/CO/1, para. 41; CRPD/C/ECU/CO/1, para. 31; CRPD/C/DNK/CO/1, para. 41.
138 CRPD/C/MEX/CO/1, para. 34; CRPD/C/DNK/CO/1, para. 41.
139 CRPD/C/MEX/CO/1, para. 36; CRPD/C/ECU/CO/1, para. 31.

Integrity of the person (art. 17)

44. The Committee expressed concern about practices and/or legislation allowing for the forced sterilization of adults and children with disabilities, and, particularly, of women and girls with disabilities.

45. The Committee recommended the repeal of such laws and the eradication of practices of forced sterilizations carried out without the prior, free and informed consent of the person concerned.[140] It also recommended that investigations into cases of forced sterilization be carried out and that victims have access to justice and reparation.[141]

46. In its Views under the Optional Protocol, the Committee considered that the lack of accessibility of prison facilities and the denial of reasonable accommodation to an inmate constituted a violation of article 17 of the Convention.[142]

Liberty of movement and nationality (art. 18)

47. The Committee expressed concern about children with disabilities who remain unregistered;[143] discriminatory provisions in law preventing the access of persons with psychosocial disabilities from entering a country[144] and the discriminatory character of laws which prevent persons with disabilities applying for naturalization.[145] It has also expressed concern about abuses of migrants with disabilities in migration facilities;[146] and about inadequate rehabilitation measures provided to migrants who have been injured in transit in the State party.[147]

48. The Committee has recommended that States parties set up programmes to ensure civil registration of children with disabilities at birth;[148] decentralize registry procedures;[149] ensure that registry procedures are carried out simply, quickly and free of charge;[150] repeal provisions of law so that persons with disabilities are not deprived of their right to enter the State party[151] and can apply for naturalization on an equal basis with others;[152] ensure that persons with disabilities can obtain visas and entry permits on an equal basis with others,[153] and provide basic rehabilitation to migrants with disabilities, in addition to medical treatment.[154]

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[140] CRPD/C/AUS/CO/1, para. 40; CRPD/C/SLV/CO/1, para. 38; CRPD/C/CRI/CO/1, para. 38; CRPD/C/NZL/CO/1, para. 38; CRPD/C/MEX/CO/1, para. 38.

[141] CRPD/C/KOR/CO/1, para. 34.

[142] See communication No. 8/2012 *X. v. Argentina* (see footnote 5).

[143] CRPD/C/PRY/CO/1, para. 45; CRPD/C/SLV/CO/1, para. 39; CRPD/C/MEX/CO/1, para. 39.

[144] CRPD/C/KOR/CO/1, para. 35; CRPD/C/MEX/CO/1, para. 39.

[145] CRPD/C/ECU/CO/1, para. 32.

[146] CRPD/C/MEX/CO/1, para. 39.

[147] Ibid.

[148] CRPD/C/PRY/CO/1, para. 46; CRPD/C/SLV/CO/1, para. 40; CRPD/C/MEX/CO/1, para. 42.

[149] CRPD/C/PRY/CO/1, para. 46.

[150] Ibid.

[151] CRPD/C/KOR/CO/1, para. 36.

[152] CRPD/C/ECU/CO/1, para. 33.

[153] CRPD/C/MEX/CO/1, para. 40 (b).

[154] Ibid., para. 40 (c).

Living independently and being included in the community (art. 19)

49. The Committee has expressed concern about the lack of progress on deinstitutionalization, in particular for those housed in psychiatric hospitals;[155] the lack of measures and policies aimed at inclusion in the community and the low level of involvement of local authorities and institutions;[156] initiatives which replicate institutional living arrangements;[157] personal assistance programmes not available to persons with psychosocial disabilities, and not covering all persons with intellectual disabilities;[158] children with disabilities remaining subject to institutional placement;[159] the lack of investment,[160] and a lack of choice and of a range of supports to ensure that persons can freely and by themselves choose to live included in the community;[161] the amount to pay to receive personal assistant services being calculated based on the "degree of impairment" rather than on the characteristics, circumstances and needs of that person, and on the income of the family rather than on the income of the person concerned.[162]

50. The Committee has recommended that States parties adopt a policy to deinstitutionalize persons with disabilities, with clear time frames and benchmarks, which includes a range of community services;[163] adequately fund a strategy to deinstitutionalize persons with disabilities, including children with intellectual and/or psychosocial impairments;[164] obtain the involvement and commitment of the authorities at all levels, and conduct appropriate consultations and involvement of disabled persons' organizations;[165] ensure that persons with disabilities have a free choice as to where and with whom they want to live, and are eligible to receive support regardless of their place of residence;[166] ensure personal assistance is available to all persons with intellectual and psychosocial disabilities;[167] base the amount of payment for the personal assistant services on the characteristics, circumstances and needs of the persons with disabilities, and on the income of the person with disabilities concerned;[168] and reduce investment in collective infrastructure and facilitate personal choices.[169]

Freedom of expression (art. 21)

51. The Committee has expressed concern about the failure to provide all information in accessible formats and to promote and facilitate the use of official sign language;[170] information disseminated through the media not being accessible in sign language and institutions working to protect persons with disabilities deprived of sign language

[155] CRPD/C/PRY/CO/1, para. 47.
[156] Ibid., para. 49.
[157] CRPD/C/AUS/CO/1, para. 41.
[158] CRPD/C/AUT/CO/1, para. 38.
[159] CRPD/C/SLV/CO/1, para. 41.
[160] CRPD/C/BEL/CO/1, para. 32.
[161] CRPD/C/NZL/CO/1, para. 39.
[162] CRPD/C/KOR/CO/1, para. 39.
[163] CRPD/C/PRY/CO/1, para. 48.
[164] CRPD/C/SLV/CO/1, para. 42.
[165] CRPD/C/PRY/CO/1, para. 50.
[166] CRPD/C/AUS/CO/1, para. 42.
[167] CRPD/C/AUT/CO/1, para. 39.
[168] CRPD/C/KOR/CO/1, para. 41.
[169] CRPD/C/BEL/CO/1, para. 33.
[170] CRPD/C/AUS/CO/1, para. 43.

interpreters;[171] the insufficient steps to develop and provide augmentative and alternative communication, and limited access to and promotion of Braille;[172] sign language not being recognized as an official language and laws not yet declaring Braille as an official script; and education in Braille not systematically provided to all blind pupils.[173]

52. The Committee recommended that States parties develop the use of accessible communication formats by allocating adequate funding, in cooperation with organizations of persons with disabilities, including deaf persons' organizations;[174] ensure that necessary resources are available to provide public information in accessible formats, including augmentative and alternative communication, and accessible information technologies;[175] recognize State sign language as one of the national languages;[176] increase the use of sign language in all aspects of life, including educational and cultural activities;[177] enable indigenous people with disabilities, and especially those who are deaf and deaf-blind, to access information;[178] adopt laws recognizing Braille as an official script; ensure that regulations on ensuring access to broadcast material include standards on programming quality and on providing adequate, accessible information through sign language, captioning, video/audio description, easy-to-read/easy-to-understand content and through other access formats, modes and means of communication;[179] and put into place effective monitoring procedures that prevent acts of substituted information and communication, especially in decision-making mechanisms regarding people with intellectual and mental disabilities.[180]

Respect for home and the family (art. 23)

53. The Committee has expressed concern about barriers preventing persons with intellectual, psychosocial impairments from entering into marriage and exercising their rights regarding family, maternity and personal relationships;[181] legislation allowing parents of a newborn boy or girl to place him or her in the custody of the State solely on the basis of his/her disability;[182] women with disabilities, especially those with psychosocial and intellectual disabilities, being separated from their children on grounds of their disability;[183] laws on adoption which subject disabled birth parents to differential treatment based on their disability;[184] governments providing more subsidies and benefits to families adopting children with disabilities than to their families of origin;[185] lack of support for parents of children with disabilities, especially mothers;[186] minimum requirements of respect for private life of disabled people living in institutions not being guaranteed;[187] persons with

[171] CRPD/C/CRI/CO/1, para. 41.
[172] CRPD/C/SLV/CO/1, para. 45.
[173] CRPD/C/DNK/CO/1, para. 46.
[174] CRPD/C/AZE/CO/1, para. 35.
[175] CRPD/C/SLV/CO/1, para. 46.
[176] CRPD/C/AUS/CO/1, para. 44.
[177] CRPD/C/NZL/CO/1, para. 42.
[178] Ibid., para. 44.
[179] CRPD/C/KOR/CO/1, para. 42.
[180] CRPD/C/DNK/CO/1, para. 49.
[181] CRPD/C/SLV/CO/1, para. 47.
[182] CRPD/C/AZE/CO/1, para. 38.
[183] CRPD/C/CRI/CO/1, para. 43.
[184] CRPD/C/NZL/CO/1, para. 47.
[185] CRPD/C/KOR/CO/1, para. 43.
[186] CRPD/C/BEL/CO/1, para. 34.
[187] Ibid.

disabilities not having access to age-appropriate information and education on reproductive and family planning.[188]

54. The Committee recommended that States parties prohibit the placement by their fathers and mothers of newborn boys and girls with disabilities in the custody of the State solely on the basis of their disability;[189] review the procedures by which women with disabilities are declared unfit mothers and fully restore their rights to have a home and found a family, ensuring that they have the support necessary to make these rights effective;[190] ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption;[191] establish a support mechanism for families with disabled children to prevent their abandonment and institutionalization;[192] and ensure access to age-appropriate information and education on reproductive and family planning for all persons with disabilities.[193]

Education (art. 24)

55. The Committee has expressed concern about students with disabilities who continue to be placed in special schools and many of those who are in regular schools being largely confined to special classes or units;[194] students with disabilities enrolled in regular schools who receive a substandard education due to lack of reasonable accommodation;[195] schools being able to refuse admission to certain pupils on the grounds of organizational and economic hardship;[196] the fact that some children who need extensive support cannot attend school due to lack of support;[197] the lack of indicators on the educational inclusion of children, young people and adults with disabilities;[198] the fact that exclusion is greater among adults with disabilities, women and girls with disabilities, persons with multiple disabilities, indigenous persons and those living in rural areas;[199] and that inclusive education is not guaranteed; the lack of accessibility of schools;[200] discrepancies in accomplishment rates between pupils with and without disabilities in elementary, secondary and higher education;[201] the fact that there are very few university graduates with disabilities;[202] and limited access to adult education.[203]

56. The Committee recommended that States parties set targets to increase participation and completion rates by students with disabilities in all levels of education;[204] enable them to study at universities and other tertiary institutions;[205] ensure that persons with disabilities, including children with disabilities and their representative organizations, are involved in

[188] Ibid.
[189] CRPD/C/AZE/CO/1, para. 39.
[190] CRPD/C/CRI/CO/1, para. 44.
[191] CRPD/C/NZL/CO/1, para. 48.
[192] CRPD/C/BEL/CO/1, para. 35.
[193] Ibid.
[194] CRPD/C/AUS/CO/1, para. 45.
[195] Ibid.
[196] CRPD/C/SWE/CO/1, para. 47.
[197] Ibid.
[198] CRPD/C/CRI/CO/1, para. 47.
[199] Ibid.
[200] CRPD/C/BEL/CO/1, para. 36.
[201] CRPD/C/DNK/CO/1, para. 52.
[202] CRPD/C/AUT/CO/1, para. 41.
[203] CRPD/C/SLV/CO/1, para. 49.
[204] CRPD/C/AUS/CO/1, para. 46.
[205] CRPD/C/AUT/CO/1, para. 43.

the day-to-day implementation of inclusive education models;[206] implement public-private partnerships to design accessible pedagogical tools and teaching methods and provide access to new technologies;[207] adopt a policy of training teachers in the inclusive education model;[208] ensure access to inclusive education for all persons with disabilities, at all levels of education, including adult education, throughout the country and the most remote areas, and incorporate a gender perspective;[209] establish an enforceable right to inclusive education;[210] conduct research into the effectiveness of the education inclusion policy; step up efforts to provide inclusive education and reasonable accommodation by providing, inter alia, assistive technology and support in classrooms, accessible and adapted educational materials and curricula, individual learning plans, and accessible school environments;[211] allocate sufficient financial, human and material resources for inclusive education;[212] address discrepancies in accomplishment rates between pupils with and without disabilities at all levels of education;[213] and amend legislation to ensure that all children with disabilities can submit a complaint to an independent authority if they do not receive adequate educational support.[214]

Health (art. 25)

57. The Committee has expressed concern about the limited extent to which persons with disabilities, in particular women and girls with disabilities, are included in sexual and reproductive health policies, programmes and services;[215] that no mechanisms have been established to ensure that all services provided to persons with disabilities are delivered only with their free and informed consent;[216] the fact that barriers prevent persons with disabilities, and especially persons with intellectual disabilities, from fully accessing health-care services;[217]the fact that indigenous people have the poorest health outcomes and that the prevalence of disability is higher in their population;[218] the pressures on women with disabilities during their pregnancy to abort;[219] laws which recognize life insurance contracts for persons with disabilities only if the person "possesses mental capacity";[220] the fact that that the Penal Code establishes the possibility for the spouse, partner, family member or legal representative of a woman with intellectual disabilities to make the decision to perform an abortion on her behalf, when pregnancy is the result of rape;[221] and the fact that persons with psychosocial disabilities have a life expectancy that is 15 to 20 years shorter than persons without psychosocial disabilities.[222]

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206 Ibid.
207 CRPD/C/SLV/CO/1, para. 50.
208 CRPD/C/CRI/CO/1, para. 46.
209 Ibid., para. 48.
210 CRPD/C/NZL/CO/1, para. 50.
211 CRPD/C/KOR/CO/1, para. 46.
212 CRPD/C/BEL/CO/1, para. 37.
213 CRPD/C/DNK/CO/1, para. 53.
214 Ibid., para. 55.
215 CRPD/C/CRI/CO/1, para. 49.
216 Ibid.
217 CRPD/C/NZL/CO/1, para. 51.
218 Ibid., para. 53.
219 CRPD/C/MEX/CO/1, para. 49.
220 CRPD/C/KOR/CO/1, para. 47.
221 CRPD/C/ECU/CO/1, para. 40.
222 CRPD/C/DNK/CO/1, para. 56.

58. The Committee has recommended that States parties ensure that all health services are fully accessible to persons with disabilities, including at the community level;[223] ensure that health policies, programmes and services, including in sexual and reproductive health, are fully accessible and incorporate a gender perspective;[224] ensure that persons with disabilities give their free and informed consent before receiving health services of any kind;[225] take measures to enhance the health outcomes of indigenous persons with disabilities;[226] prevent, investigate and punish medical personnel pressing pregnant women with disabilities to abort;[227] repeal laws which recognize life insurance contracts for a person with disability only if the person "possesses mental capacity";[228] amend the Criminal Code to ban third parties to make decisions about the body of women with disabilities;[229] ensure that persons with disabilities, in particular persons with psychosocial disabilities, have equal access to the highest attainable standard of health, including by providing training to health professionals and officials in the public health authorities, including on the right to free and informed consent.[230]

Habilitation and rehabilitation (art. 26)

59. The Committee has expressed concern about habilitation and rehabilitation strategies focusing on the medical model[231] and health only;[232] the centralization of rehabilitation services and absence of community-based alternatives;[233] the lack of programmes for the reintegration of migrants having acquired a disability following migration-related accidents;[234] and the lack of paediatric rehabilitation services for children.[235]

60. The Committee has recommended that States parties ensure participation in habilitation and rehabilitation services with free and informed consent.[236] It has urged States parties to establish community services[237] and rehabilitation strategies for persons with disabilities at the national level and to strengthen services at the local level to meet individual needs;[238] to establish rehabilitation programmes for repatriated migrants who have acquired a disability;[239] and community-based rehabilitation strategies for developing the capacities of persons with disabilities from an early age.[240]

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[223] CRPD/C/PRY/CO/1, para. 60.
[224] CRPD/C/CRI/CO/1, para. 50.
[225] Ibid.
[226] CRPD/C/NZL/CO/1, para. 54.
[227] CRPD/C/MEX/CO/1, para. 50.
[228] CRPD/C/KOR/CO/1, para. 48.
[229] CRPD/C/ECU/CO/1, para. 41.
[230] CRPD/C/DNK/CO/1, para. 57.
[231] CRPD/C/AUS/CO/1, para. 47.
[232] CRPD/C/PRY/CO/1, para. 61.
[233] CRPD/C/CRI/CO/1, para. 53.
[234] CRPD/C/SLV/CO/1, para. 53.
[235] CRPD/C/CRI/CO/1, para. 53.
[236] CRPD/C/AUS/CO/1, para. 48.
[237] CRPD/C/PRY/CO/1, para. 62 and CRPD/C/CRI/CO/1, para. 54.
[238] CRPD/C/PRY/CO/1, para. 62.
[239] CRPD/C/SLV/CO/1, para. 54.
[240] CRPD/C/CRI/CO/1, para. 54.

Work and employment (art. 27)

61. The Committee has expressed concern about the low employment rate of persons with disabilities[241] in regular employment;[242] the lack of employment policies in general[243] and in the private sector[244] in particular; the absence of vocational training,[245] or training focusing on manual and craft work only and sheltered workshops;[246] the absence of equal work opportunities;[247] the absence of legislation to protect persons from discrimination,[248] and to ensure reasonable accommodation;[249] unequal or very little pay;[250] non-respect of quota requirements[251] or lack of data thereon;[252] lack of data about work conditions[253] and the increasing number of registrations in unemployment insurance schemes.[254] It has also expressed concerned about the gender gap in employment[255] and wages;[256] women's access to employment[257] and discrimination;[258] as well as about lower levels of employment[259] among indigenous persons with disabilities.[260]

62. The Committee recommended that States parties adopt policies and measures to promote employment in the public and private sectors[261] and specifically for women[262] and indigenous peoples[263] including through affirmative action;[264] reduce the employment and wage gender gap;[265] ensure effectiveness of quota systems[266] and sanction non-compliance;[267] adopt and amend legislation;[268] increase measures of support,[269] including

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[241] CRPD/C/ECU/CO/1, para. 42; CRPD/C/SWE/CO/1, para. 49; CRPD/C/KOR/CO/1, para. 51; CRPD/C/DNK/CO/1, para. 58 and CRPD/C/MEX/CO/1, para. 51 (a).

[242] CRPD/C/BEL/CO/1, para. 38.

[243] CRPD/C/MEX/CO/1, para. 51 (a).

[244] CRPD/C/PRY/CO/1, para. 63 and CRPD/C/CRI/CO/1, para. 55.

[245] CRPD/C/SLV/CO/1, para. 55.

[246] CRPD/C/KOR/CO/1, para. 49.

[247] CRPD/C/PRY/CO/1, para. 63.

[248] Ibid., para. 65.

[249] CRPD/C/CRI/CO/1, para. 55; CRPD/C/SLV/CO/1, para. 55; CRPD/C/DNK/CO/1, para. 58 and CRPD/C/MEX/CO/1, para. 51 (e).

[250] CRPD/C/AUS/CO/1, para. S 49; CRPD/C/AUT/CO/1, para. 44; CRPD/C/KOR/CO/1, para. 49 and CRPD/C/NZL/CO/1, para. 57.

[251] CRPD/C/AUT/CO/1, para. 45; CRPD/C/AZE/CO/1, para. 42; CRPD/C/BEL/CO/1, para. 38 and CRPD/C/MEX/CO/1, para. 51 (d).

[252] CRPD/C/CRI/CO/1, para. 55.

[253] CRPD/C/SWE/CO/1, para. 49 and CRPD/C/MEX/CO/1, para. 51 (b).

[254] CRPD/C/PRY/CO/1, para. 63.

[255] CRPD/C/AUT/CO/1, para. 46; CRPD/C/KOR/CO/1, para. 51.

[256] CRPD/C/SWE/CO/1, para. 49.

[257] CRPD/C/SLV/CO/1, para. 55.

[258] CRPD/C/MEX/CO/1, para. 51 (c).

[259] CRPD/C/NZL/CO/1, para. 55.

[260] CRPD/C/MEX/CO/1, para. 51 (c).

[261] CRPD/C/PRY/CO/1, para. 64; CRPD/C/AUT/CO/1, para. 47; CRPD/C/SLV/CO/1, para. 56; CRPD/C/CRI/CO/1, para. 56; CRPD/C/NZL/CO/1, para. 56; CRPD/C/MEX/CO/1, para. 52 (a); CRPD/C/KOR/CO/1, para. 50; CRPD/C/KOR/CO/1, para. 52; CRPD/C/BEL/CO/1, para. 39; CRPD/C/ECU/CO/1, para. 43; CRPD/C/DNK/CO/1, para. 59; CRPD/C/SWE/CO/1, para. 50.

[262] CRPD/C/AUS/CO/1, para. 50; CRPD/C/KOR/CO/1, para. 52.

[263] CRPD/C/MEX/CO/1, para. 52 (c).

[264] CRPD/C/PRY/CO/1, para. 64; CRPD/C/SLV/CO/1, para. 56; CRPD/C/CRI/CO/1, para. 56.

[265] CRPD/C/AUT/CO/1, para. 47; CRPD/C/SWE/CO/1, para. 50.

[266] CRPD/C/MEX/CO/1, para. 52 (d) and CRPD/C/KOR/CO/1, para. 52.

[267] CRPD/C/AZE/CO/1, para. 43.

[268] CRPD/C/DNK/CO/1, para. 59; CRPD/C/CRI/CO/1; para. 56.

vocational training[270] and soft loans;[271] discontinue and modify tools that incorrectly assess the wages of persons in supported employment,[272] examine alternatives to minimum wage exemption permits[273] and introduce a supplementary wage system;[274] raise awareness among employers;[275] assess and revise the use of language used to refer to persons with disabilities;[276] strengthen efforts to provide reasonable accommodation;[277] establish protection mechanisms against forced labour, exploitation and harassment;[278] and publish relevant statistics.[279] It has also urged States parties to adopt legislation penalizing discrimination[280] and to establish redress mechanisms for labour rights violations.[281]

63. In its Views under the Optional Protocol, the Committee found that the way in which the authorities were applying an integration subsidy intended to promote the employment of persons with disabilities was resulting in indirect discrimination against persons with disabilities, thus violating article 27 of the Convention along with articles 4 (1) (a) and 5 (1).[282] The Committee also considered that, when assessing the reasonableness and proportionality of accommodation measures, States parties enjoy a certain margin of appreciation.[283]

Adequate standard of living (art. 28)

64. The Committee has expressed concern about persons with disabilities having a lower socioeconomic status[284] and, in rural and remote areas, showing higher illiteracy rates;[285] the insufficiency of disability vouchers, the lack of compensation measures, the absence of policies on access to housing and development;[286] housing allowances and medicine subsidies being conditional to poverty criteria without taking into account socioeconomic aggravators of disability;[287] different allowances depending on the cause of disability[288] or taking into account family members' income or property for the allocation of benefits, or the fact that for "persons with severe disabilities" eligibility of support benefits is based on existing disability grading systems;[289] the lack of access to certain services;[290] and the lack

[269] CRPD/C/SWE/CO/1, para. 50.
[270] CRPD/C/SLV/CO/1, para. 56; CRPD/C/AZE/CO/1; para. 43.
[271] CRPD/C/PRY/CO/1, para. 64.
[272] CRPD/C/AUS/CO/1, para. 50.
[273] CRPD/C/NZL/CO/1, para. 58.
[274] CRPD/C/KOR/CO/1, para. 50.
[275] CRPD/C/CRI/CO/1, para. 56.
[276] CRPD/C/SWE/CO/1, para. 50.
[277] CRPD/C/AZE/CO/1, para. 43; CRPD/C/BEL/CO/1; para. 39; CRPD/C/DNK/CO/1, para. 59, and CRPD/C/MEX/CO/1, para. 52 (e).
[278] CRPD/C/MEX/CO/1, para. 52 (b).
[279] CRPD/C/KOR/CO/1, para. 52.
[280] CRPD/C/PRY/CO/1, para. 66.
[281] Ibid., para. 66.
[282] See communication No. 2/2010, *Gröninger v. Germany* (see footnote 5).
[283] See communication No. 5/2011, *Jungelin v. Sweden* (see footnote 5).
[284] CRPD/C/NZL/CO/1, para. 59; CRPD/C/MEX/CO/1, para. 53; CRPD/C/NZL/CO/1, para. 59.
[285] CRPD/C/SLV/CO/1, para. 57.
[286] CRPD/C/PRY/CO/1, para. 67; CRPD/C/SLV/CO/1, para. 39; CRPD/C/MEX/CO/1, para. 39.
[287] CRPD/C/CRI/CO/1, para. 57.
[288] CRPD/C/NZL/CO/1, para. 59.
[289] CRPD/C/KOR/CO/1, para. 53.
[290] CRPD/C/SLV/CO/1, para. 57; CRPD/C/MEX/CO/1, para. 53.

of programmes for indigenous peoples with disabilities.[291] It also expressed concern that social housing is not universally designed.[292]

65. The Committee recommended that States parties adopt public policies for development and poverty reduction[293] with a gender component,[294] while considering indigenous peoples and rural areas;[295] allocate the necessary budget for ensuring implementation and access to basic services in remote and rural areas and to alleviate disadvantages;[296] implement measures to eliminate the disadvantages faced by women, children and elderly indigenous people;[297] adopt measures to provide access, including to children, to social protection and non-contributory pension schemes;[298] provide access to development on an equal footing with others, in rural areas in particular;[299] include the needs of persons with disabilities and universal design in social housing;[300] review disability-related costs to ensure a sufficient allocation of income and/or pension;[301] grant the minimum living support benefit on the basis of each person's situation, and not on the basis of a disability grading system or property and income of their family;[302] and periodically review the implementation of the national programme for development and inclusion of persons with disabilities.[303] It has also recommended that persons with disabilities and their organizations be consulted[304] and that they be included in monitoring implementation.[305]

Participation in political and public life (art. 29)

66. The Committee has expressed concern about restrictions on the right to vote,[306] running for municipal office[307] or standing for elections;[308] the lack of information on those allowed to vote;[309] insufficient accessibility and accommodation during all stages of the electoral cycle;[310] the low participation of persons with disabilities as candidates and representatives;[311] their removal from the electoral register on grounds of their disability;[312] significant barriers in the voting process;[313] the fact that elections materials, facilities and

[291] CRPD/C/MEX/CO/1, para. 53.
[292] CRPD/C/ECU/CO/1, para. 44.
[293] CRPD/C/SLV/CO/1, para. 58.
[294] CRPD/C/PRY/CO/1, para. 68; CRPD/C/CRI/CO/1, para. 58.
[295] CRPD/C/CRI/CO/1, para. 58; CRPD/C/MEX/CO/1, para. 54 (a).
[296] CRPD/C/CRI/CO/1, para. 58.
[297] CRPD/C/MEX/CO/1, para. 54 (c).
[298] CRPD/C/SLV/CO/1, para. 58.
[299] CRPD/C/PRY/CO/1, para. 68.
[300] CRPD/C/ECU/CO/1, para. 45.
[301] CRPD/C/NZL/CO/1, para. 60.
[302] CRPD/C/KOR/CO/1, para. 54.
[303] CRPD/C/MEX/CO/1, para. 54 (b).
[304] CRPD/C/SLV/CO/1, para. 58; CRPD/C/MEX/CO/1, para. 54.
[305] CRPD/C/SLV/CO/1, para. 58.
[306] CRPD/C/PRY/CO/1, para. 69; CRPD/C/AUS/CO/1, para. 51; CRPD/C/AZE/CO/1, para. 44; CRPD/C/CRI/CO/1, para. 59; CRPD/C/MEX/CO/1, para. 55; CRPD/C/KOR/CO/1; para. 55.
[307] CRPD/C/SLV/CO/1, para. 59.
[308] CRPD/C/KOR/CO/1, para. 55; CRPD/C/DNK/CO/1, para. 60.
[309] CRPD/C/PRY/CO/1, para. 69.
[310] CRPD/C/SWE/CO/1, para. 51.
[311] CRPD/C/AZE/CO/1, para. 44.
[312] CRPD/C/CRI/CO/1, para. 59.
[313] CRPD/C/AUS/CO/1, para. 51.

procedures are rarely accessible[314] or that information and interpretation are not provided;[315] that polling booths are not fully accessible;[316] the absence of measures to ensure voting in secret,[317] and the fact that no measures are in place to promote persons with disabilities to stand as candidates for election.[318]

67. The Committee recommended that States parties repeal,[319] modify or amend[320] legal provisions restricting the right to vote and to stand for elections; enact legislation to restore presumption of the capacity of persons with disabilities to vote and exercise choice;[321] make all aspects of voting fully accessible;[322] train polling assistants to accommodate voters;[323] facilitate assistance that is adequate and freely chosen;[324] consider implementing accessible electronic voting;[325] adopt measures to guarantee universal, secret suffrage;[326] consult with[327] and increase opportunities for the public participation of organizations of persons with disabilities;[328] ensure that anyone elected to a public position is provided with all the support required, including personal assistants.[329]

68. In its Views under the Optional Protocol, the Committee found that the disenfranchisement of persons with psychosocial disabilities of their right to vote was a violation of article 29 of the Convention.[330]

Participation in cultural life (art. 30)

69. The Committee has expressed concern about the lack of access to, and participation in, sports and cultural facilities and activities, in particular for children[331] and adolescents,[332] the meagre progress in private-sector promotion of participation in cultural life[333] and the low percentage of television programmes that are captioned or audio-described.[334] It has expressed concern that the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allows

[314] CRPD/C/DNK/CO/1, para. 60; CRPD/C/MEX/CO/1, para. 55.
[315] CRPD/C/CRI/CO/1, para. 59; CRPD/C/KOR/CO/1, para. 55.
[316] CRPD/C/AUT/CO/1, para. 48; CRPD/C/SLV/CO/1, para. 59; CRPD/C/KOR/CO/1, para. 55; CRPD/C/DNK/CO/1, para. 60.
[317] CRPD/C/SLV/CO/1, para. 59; CRPD/C/NZL/CO/1, para. 61; CRPD/C/DNK/CO/1, para. 60; CRPD/C/PRY/CO/1, para. 69.
[318] CRPD/C/PRY/CO/1, para. 69; CRPD/C/SWE/CO/1, para. 51; CRPD/C/KOR/CO/1, para. 55.
[319] CRPD/C/PRY/CO/1, para. 70; CRPD/C/SLV/CO/1, para. 60; CRPD/C/KOR/CO/1, para. 56; CRPD/C/AZE/CO/1, para. 45.
[320] CRPD/C/MEX/CO/1, para. 56; CRPD/C/DNK/CO/1, para. 61.
[321] CRPD/C/AUS/CO/1, para. 52; CRPD/C/CRI/CO/1, para. 60.
[322] CRPD/C/AUS/CO/1, para. 52; CRPD/C/KOR/CO/1, para. 56; CRPD/C/MEX/CO/1, para. 56; CRPD/C/KOR/CO/1, para. 56; CRPD/C/DNK/CO/1, para. 61; CRPD/C/AZE/CO/1, para. 45; CRPD/C/AUT/CO/1, para. 49; CRPD/C/SWE/CO/1, para. 52.
[323] CRPD/C/SWE/CO/1, para. 52; CRPD/C/CRI/CO/1, para. 60.
[324] CRPD/C/DNK/CO/1, para. 61; CRPD/C/SWE/CO/1, para. 52.
[325] CRPD/C/NZL/CO/1, para. 62.
[326] CRPD/C/PRY/CO/1, para. 70.
[327] CRPD/C/SWE/CO/1, para. 52.
[328] CRPD/C/SLV/CO/1, para. 59.
[329] CRPD/C/SWE/CO/1, para. 52.
[330] See communication No. 4/2011, *Bujdosó et al. v. Hungary* (see footnote 5).
[331] CRPD/C/ECU/CO/1, para. 48.
[332] CRPD/C/SLV/CO/1, para. 61.
[333] Ibid.
[334] CRPD/C/NZL/CO/1, para. 63.

access to published material to blind persons, persons with visual impairments or persons with other difficulties in having access to printed materials ("the Marrakesh Treaty") has not been signed or ratified,[335] or ratified.[336]

70. The Committee recommended that States parties develop policies and measures for the participation of persons with disabilities in cultural and sports facilities and activities,[337] with sanctions applied for non-compliance;[338] promote public-private agreements to set up accessible recreational and cultural spaces,[339] take measures to increase captioning and audio description of television programmes;[340] and start a national plan of accessible sport.[341] It has also recommended that State parties sign, ratify and implement the Marrakesh treaty,[342] or ratify and implement the Marrakesh Treaty.[343]

Data collection (art. 31)

71. The Committee has expressed concern about absent, outdated or inconsistent disaggregated data collected on persons with disabilities[344] and the subsequent lack of publishing by public entities,[345] or publishing in formats that are not accessible;[346] the lack of information on the data collection methods used or the census concept[347] and the issuance of a disability certificate solely based on the medical model.[348] With regard to women and children with disabilities, the Committee has expressed concern about: the paucity or lack of disaggregated data,[349] the lack of information on protection and alternative care, including in remote rural areas[350] and about their specific situation.[351]

72. The Committee recommended that States parties systematize the collection, analysis and dissemination of disaggregated data[352] in a single system;[353] create a database of systematized disaggregated information,[354] consistent with the human rights model[355] and

[335] CRPD/C/SWE/CO/1, para. 53; CRPD/C/AZE/CO/1, para. 46.
[336] CRPD/C/CRI/CO/1, para. 61; CRPD/C/MEX/CO/1, para. 57; CRPD/C/KOR/CO/1, para. 58; CRPD/C/BEL/CO/1, para. 40; CRPD/C/ECU/CO/1, para. 48; CRPD/C/DNK/CO/1, para. 62.
[337] CRPD/C/SLV/CO/1, para. 62.
[338] CRPD/C/ECU/CO/1, para. 47.
[339] CRPD/C/SLV/CO/1, para. 62.
[340] CRPD/C/NZL/CO/1, para. 64.
[341] CRPD/C/ECU/CO/1, para. 47.
[342] CRPD/C/SWE/CO/1, para. 54; CRPD/C/AZE/CO/1, para. 47.
[343] CRPD/C/CRI/CO/1, para. 62; CRPD/C/MEX/CO/1, para. 53; CRPD/C/KOR/CO/1, para. 58; CRPD/C/BEL/CO/1, para. 41; CRPD/C/ECU/CO/1, para. 49; CRPD/C/DNK/CO/1, para. 63.
[344] CRPD/C/PRY/CO/1, para. 71; CRPD/C/AUS/CO/1, para. 53; CRPD/C/SLV/CO/1, para. 63; CRPD/C/ECU/CO/1, para. 52; CRPD/C/SWE/CO/1, para. 55; CRPD/C/AZE/CO/1, para. 49; CRPD/C/CRI/CO/1, para. 63; CRPD/C/MEX/CO/1, para. 59; CRPD/C/KOR/CO/1, para. 59; CRPD/C/BEL/CO/1, para. 42; CRPD/C/ECU/CO/1, para. 50; CRPD/C/DNK/CO/1, para. 64.
[345] CRPD/C/NZL/CO/1, para. 69; CRPD/C/CRI/CO/1, para. 63.
[346] CRPD/C/KOR/CO/1, para. 59.
[347] CRPD/C/PRY/CO/1, para. 73; CRPD/C/CRI/CO/1, para. 63.
[348] CRPD/C/PRY/CO/1, para. 73.
[349] CRPD/C/ECU/CO/1, para. 52; CRPD/C/BEL/CO/1, para. 44; CRPD/C/AUT/CO/1, para. 50; CRPD/C/SWE/CO/1, para. 57.
[350] CRPD/C/AUS/CO/1, para. 55.
[351] Ibid., para. 53.
[352] CRPD/C/SWE/CO/1, para. 56; CRPD/C/AUS/CO/1, para. 54; CRPD/C/CRI/CO/1, para. 64; CRPD/C/KOR/CO/1, para. 60; CRPD/C/BEL/CO/1, para. 43; CRPD/C/DNK/CO/1, para. 65.
[353] CRPD/C/ECU/CO/1, para. 51.
[354] CRPD/C/AZE/CO/1, para. 50.
[355] CRPD/C/PRY/CO/1, para. 72; CRPD/C/CRI/CO/1, para. 64.

moving away from the medical-based model;[356] develop nationally consistent measures for data collection and public reporting[357] on an annual basis[358] and in accessible formats;[359] consult disabled persons' organizations regarding the criteria used in gathering data[360] and ensure their participation;[361] review and modify criteria used in issuing disability certificates and establish a simple and free procedure for obtaining a certificate;[362] establish a baseline of disaggregated data against which future progress will be measured;[363] systematically collect, analyse and disseminate data on children and women[364] including those belonging to indigenous groups,[365] and fund a comprehensive assessment of the situation of girls and women with disabilities;[366] enhance capacity-building;[367] and develop gender-sensitive indicators to support legislative developments, policy-making and institutional strengthening and report on progress.[368] It has also recommended that a gender-disaggregated comparative report be produced on the basis of census findings[369] and that information on indigenous persons with disabilities be collected, disaggregated, analysed and disseminated.[370] The Committee has also urged that the next census include data on persons with disabilities,[371] and in particular women and children and afro-descendants in rural areas, with a view to developing accessibility programmes appropriate to their situation.[372]

International cooperation (art. 32)

73. The Committee has expressed concern about the fact that civil society is not mandated to participate in international cooperation programmes;[373] the negative effect on persons with disabilities of the withdrawal of regional funding;[374] and the lack of attention given to the rights of persons with disabilities in policies and programmes relating to the Millennium Development Goals.[375]

74. The Committee recommended that States parties: ensure that the State's foreign aid programme focus on disability-inclusive development and that the regional aid programme is reinstated;[376] ensure that all international cooperation in its territory or in partnership with

[356] CRPD/C/DNK/CO/1, para. 65.
[357] CRPD/C/AUS/CO/1, para. 54.
[358] CRPD/C/NZL/CO/1, para. 70.
[359] CRPD/C/KOR/CO/1, para. 60.
[360] CRPD/C/PRY/CO/1, para. 72; CRPD/C/CRI/CO/1, para. 64.
[361] CRPD/C/MEX/CO/1, para. 60.
[362] CRPD/C/PRY/CO/1, para. 74.
[363] CRPD/C/AUS/CO/1, para. 54; CRPD/C/AUS/CO/1, para. 56.
[364] CRPD/C/AUT/CO/1, para. 51; CRPD/C/AUS/CO/1, para. 56; CRPD/C/AUS/CO/1, para. 54; CRPD/C/BEL/CO/1, para. 43.
[365] CRPD/C/SWE/CO/1, para. 58.
[366] CRPD/C/AUS/CO/1, para. 54.
[367] CRPD/C/AUT/CO/1, para. 51; CRPD/C/SWE/CO/1, para. 56; CRPD/C/AZE/CO/1; para. 50; CRPD/C/BEL/CO/1, para. 43; CRPD/C/DNK/CO/1, para. 65.
[368] CRPD/C/AUT/CO/1, para. 51; CRPD/C/SWE/CO/1, para. 56; CRPD/C/AZE/CO/1, para. 50, CRPD/C/BEL/CO/1, para. 43; CRPD/C/DNK/CO/1, para. 65.
[369] CRPD/C/NZL/CO/1, para. 68.
[370] CRPD/C/MEX/CO/1, para. 60.
[371] CRPD/C/SLV/CO/1, para. 64.
[372] CRPD/C/ECU/CO/1, para. 51.
[373] CRPD/C/PRY/CO/1, para. 65.
[374] CRPD/C/NZL/CO/1, para. 71.
[375] CRPD/C/BEL/CO/1, para. 46.
[376] CRPD/C/NZL/CO/1, para. 72.

it are inclusive of persons with disabilities and promote their active participation in such projects[377] and in their design and implementation; and base its international cooperation programmes on the human rights model contained in the Convention.[378] It also called for the integration of a disability rights-based perspective in the Millennium Development Goals[379] and the post-2015 development framework.[380]

National implementation and monitoring (art. 33)

75. The Committee has expressed concern about the fact that the entity charged with implementation and independent monitoring does not comply with the Principles related to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles),[381] and that States parties have not yet defined a mechanism[382] or its structure, functions and activities[383] or that the mechanism is not functioning properly and lacks resources;[384] the lack of a participatory and responsive structure in line with article 33;[385] the absence of mechanisms for the participation of civil society organizations in monitoring processes;[386] the lack of designated bodies and systematic consultations with disabled persons' organizations on the implementation of the Convention;[387] the absence of the Ombudsman in the setting up of the monitoring mechanism;[388] and the absence of coordination and independent monitoring mechanisms in the territory of the State party.[389]

76. The Committee has recommended that States parties set up an independent mechanism in compliance with the Paris Principles[390] and article 33 of the Convention;[391] allocate resources,[392] including a transparent budget, to the monitoring entity and empower it to administer its budget with autonomously;[393] ensure that the mechanism is in regular or permanent consultation with disabled persons' organizations;[394] include those organizations in the establishment or appointment of focal points[395] and mechanisms[396] for implementation of the Convention; and adopt legal provisions for their participation.[397] It has urged that the structure, functions and activities of the monitoring mechanism be defined and that the mechanisms be strengthened to carry out their work.[398]

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[377] CRPD/C/SWE/CO/1, para. 60.
[378] CRPD/C/SLV/CO/1, para. 66.
[379] CRPD/C/AZE/CO/1, para. 52.
[380] Ibid., para. 51; CRPD/C/BEL/CO/1, para. 47.
[381] CRPD/C/PRY/CO/1, para. 75; CRPD/C/AUT/CO/1, para. 52.
[382] CRPD/C/SLV/CO/1, para. 69; CRPD/C/SWE/CO/1, para. 61; CRPD/C/CRI/CO/1, para. 65.
[383] CRPD/C/MEX/CO/1, para. 61.
[384] CRPD/C/KOR/CO/1, para. 61; CRPD/C/SLV/CO/1, para. 67.
[385] CRPD/C/AUS/CO/1, para. 57; CRPD/C/CRI/CO/1, para. 65.
[386] CRPD/C/ECU/CO/1, para. 54.
[387] CRPD/C/CRI/CO/1, para. 65; CRPD/C/DNK/CO/1, para. 66.
[388] CRPD/C/ECU/CO/1, para. 54.
[389] CRPD/C/DNK/CO/1, para. 66.
[390] CRPD/C/PRY/CO/1, para. 76; CRPD/C/AUT/CO/1, para. 53; CRPD/C/CRI/CO/1, para. 66; CRPD/C/ECU/CO/1, para. 55; CRPD/C/DNK/CO/1, para. 67; CRPD/C/SWE/CO/1, para. 62.
[391] CRPD/C/AUS/CO/1, para. 58; CRPD/C/SLV/CO/1, para. 68.
[392] CRPD/C/KOR/CO/1, para. 62.
[393] CRPD/C/AUT/CO/1, para. 54.
[394] CRPD/C/PRY/CO/1, para. 76; CRPD/C/ECU/CO/1, para. 55; CRPD/C/DNK/CO/1, para. 67.
[395] CRPD/C/CRI/CO/1, para. 66.
[396] CRPD/C/SLV/CO/1, para. 70.
[397] CRPD/C/KOR/CO/1, para. 62.
[398] CRPD/C/MEX/CO/1, para. 62.

VI. Cooperation with relevant bodies

A. Cooperation with other United Nations organs and departments

77. The Committee continued its interaction with other human rights treaty bodies and with United Nations agencies and programmes, particularly with regard to the inclusion of a disability rights approach in the post-2015 development agenda.

B. Cooperation with other relevant bodies

78. During its twelfth session, the Committee held a one-day meeting with national human rights institutions, and independent national monitoring mechanisms . Further to the meeting, the Committee decided to prepare guidelines on the participation of national human rights institutions and independent national monitoring mechanisms in the activities and procedures of the Committee.

79. Also during its twelfth session, the Committee held a one-day meeting with regional organizations working in the field of disability rights, with the aim of sharing information and best practices in the implementation of international and regional standards.

80. The Committee continued to attach great importance to the participation of organizations of persons with disabilities and civil society organizations in its activities, and adopted guidelines on the participation of organizations of persons with disabilities and civil society organizations in the work of the Committee.

VII. Conference of States Parties to the Convention

81. The Committee was officially represented by its Chair and one of its Vice-Chairs in the sixth and seventh sessions of the Conference of States Parties to the Convention, held in New York, in 2013 and 2014 respectively.